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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/814,255	03/21/2001	Shunpei Yamazaki	07977-107002	5578
26171	7590	05/28/2008	EXAMINER	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/814,255	<b>Applicant(s)</b> YAMAZAKI ET AL.	
	<b>Examiner</b> Ori Nadav	<b>Art Unit</b> 2811	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 20,28-31,33-38,40-45,47-53,55 and 56 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 20,28-31,33-38,40-45,47-53,55 and 56 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 April 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/11/08</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 20, 28-31, 33-38 and 40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claimed limitations of “third opening defining an area that is greater than an area defined by the second opening” and “sixth opening defining an area that is greater than an area defined by the fifth opening”, as recited in claims 20 and 34, respectively, are unclear as to how an opening (one dimensional element) can define an area (two dimensional element).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 20, 28, 31, 34-35, 38, 41-42, 45, 47, 49-50, 53 and 55, as best understood, are rejected under 35 U.S.C. 102(b) as anticipated by Kudoh (5,159,416).

Regarding claims 41 and 49, Kudoh teaches in figure 9 and related text a semiconductor device having a thin film transistor the thin film transistor comprising:

- a semiconductor layer 12 on an insulating surface 11, wherein the semiconductor layer has a side recess (the area where layer 15 is located);

- a gate electrode 14 adjacent to the semiconductor layer with a gate insulating film 13 interposed there-between, wherein the gate electrode has a second side recess and a wiring 17 in contact with the gate electrode; and

- an interlayer insulating film 98 comprising silicon oxide over at least the gate electrode; and

- a source electrode 15, 97 over the interlayer insulating film, wherein the source electrode is in contact with the semiconductor layer through a contact hole opened in the interlayer insulating film 98, wherein the source electrode contains a first layer 15 and a second layer 97;

- wherein a part of the first layer, a part of the second layer, a part of the third layer and a part of the fourth layer are located over the interlayer insulating film,

- wherein the wiring contains a third layer 17 and the fourth layer (the wiring connected to layer 125, see figures 11A and 11B),

- wherein the side recess is filled with the first layer 15, and

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wherein the second side recess is filled with the third layer, and

wherein the first layer 15 is in contact with the gate insulating film 13.

Please note that a part of the first layer is located over the interlayer insulating film, because a part of the first layer is located at higher elevation (higher is synonymous to “on”, “over” and “above”) than the interlayer insulating film. The broad recitation of the claims does not require that a part of the first layer is located directly over the interlayer insulating film.

Regarding claims 20 and 34, Kudoh teaches in figure 9 and related text a semiconductor device having a thin film transistor the thin film transistor comprising:

a semiconductor layer 12 on an insulating surface 11;

a gate insulating film 13 on and in contact with the semiconductor layer, the gate insulating film 13 defining a first contact hole extending from a first opening (a discontinuity in the gate insulating film) located at a top surface of the gate insulating film (at a level where the top surface of layer 15 is located) to a second opening located at a bottom surface of the gate insulating film, and the semiconductor layer defining a recess having a third opening located at a top surface of the semiconductor layer that is in communication with the second opening, the third opening defining an area that is greater than an area defined by the second opening such that a portion of the gate insulating film extends over a portion of the recess (since the gate insulating film is located at higher elevation than the recess);

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an anodic oxide film (the oxide layer formed on the sidewall of the gate electrode) on the gate electrode;

an interlayer insulating film 98 on and in contact with the anodic oxide film, the interlayer insulating film defining a second contact hole extending from a fourth opening located at a top surface of the interlayer insulating film to a fifth opening located at a bottom surface of the interlayer insulating film, and the anodic oxide film defining a second recess having a sixth opening located at a top surface of the anodic oxide film that is in communication with the fifth opening, the sixth opening defining an area that is greater than an area defined by the fifth opening such that a portion of the interlayer insulating film extends over a portion of the second recess;

a gate electrode 14 on the gate insulating film 13; and

a source electrode 15, 97 in contact with the semiconductor layer through the contact hole,

wherein the source electrode contains a first layer 15 and a second layer 97, and

wherein the recess is filled with the first layer, and

wherein the first layer is in contact with the gate insulating film.

Regarding claims 28, 35, 42, 47, 50 and 55, Kudoh teaches in figure 9 and related text a semiconductor layer contains crystalline silicon, and a silicon oxide interlayer insulating film.

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Regarding claims 31, 38, 45 and 53, Kudoh teaches a second layer contains aluminum.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 29, 36, 43 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kudoh in view of Aratani et al. (5,854,139).

Kudoh teaches substantially the entire claimed structure, as applied to claims 20, 34, 41 and 49 above, except a first layer contains at least one selected from the group consisting of germanium, tin, gallium, zinc, lead, indium, and antimony.

Aratani et al. teach a source electrode comprising indium silicide (column 8, line 64 to column 9, line 1).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to form Kudoh's silicide layer of indium silicide, in order to improve the characteristics of the device. Note that substitution of materials is not patentable even when the substitution is new and useful. *Safetran Systems Corp. v. Federal Sign & Signal Corp.* (DC NIII, 1981) 215 USPQ 979.

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Claims 33, 40, 48 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kudoh in view of Applicant Admitted Prior Art (AAPA).

Regarding claims 33, 40, 48 and 56, Kudoh teaches substantially the entire claimed structure, as applied to claims 20, 34, 41 and 49 above, except using the device as an active matrix type EL display device.

AAPA teaches using thin film device as an active matrix type EL display device.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use Kudoh's device as an active matrix type EL display device, in order to use the device in an application which requires an active matrix type EL display device.

Claims 30, 37, 44 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kudoh in view of Tanaka et al. (5,798,744).

Kudoh teaches substantially the entire claimed structure, as applied to claims 20, 34, 41 and 49 above, except a first layer is an alloy of aluminum and germanium. Tanaka et al. teach a first layer can be silicide or germanium compound (column 9, lines 56-61).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a first layer comprises germanium compound instead of silicide in Kudoh's device, in order to improve the device characteristics.

Note that forming a first layer comprises germanium, as taught by Tanaka et al., and a second layer of aluminum, as taught by Kudoh mean that the first layer



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would comprise aluminum-germanium, because the aluminum would react with the germanium.

Note that substitution of materials is not patentable even when the substitution is new and useful. *Safetran Systems Corp. v. Federal Sign & Signal Corp.* (DC NIII, 1981) 215 USPQ 979.

### ***Response to Arguments***

Applicant argues that Kudoh does not teach a semiconductor layer having a side recess, because the area where layer 15 is located is not a “side” recess, as claimed.

It is unclear to the examiner why the recess where layer 15 is located cannot be called a side recess. The examiner respectfully requests clarification.

Applicant argues that Kudoh does not teach a first layer located over the interlayer insulating film, because layer 15 of Kudoh is not located over the interlayer insulating film.

A part of the first layer is located over the interlayer insulating film, because a part of the first layer is located at higher elevation (higher is synonymous to “on”, “over” and “above”) than the interlayer insulating film. The broad recitation of the claims does not require that a part of the first layer is located directly over the interlayer insulating film.

Applicant requests clarification as to which layer is the fourth layer.

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Figures 11A and 11B depict plurality of wiring connections, connecting layer 125 to various elements of the circuit. Any of these wiring connections is the fourth layer.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ori Nadav whose telephone number is 571-272-1660. The examiner can normally be reached between the hours of 7 AM to 4 PM (Eastern Standard Time) Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Gurley can be reached on 571-272-4670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

O.N.  
5/28/2008

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